

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Pensions. – Zilla Praja Parishad, Krishna District – Sanction of pension and pensionary benefits to Smt. Shaik Rahimuneesa, retired conductress in Krishna District – orders - Issued.

**PANCHAYAT RAJ & RURAL DEVELOPMENT (E-VA) DEPARTMENT**

G.O.Rt.No 2009.

Dated.08.11.2012

Read the following:

1. G.O.Ms.No.708 Education (H1) Department, dated 23.05.1983
2. Govt. Memo No. 43154/Estt.VA/A2/2002-04, dt. 26.6.2004.
3. G.O.Ms.No.239, PR (Estt.IV) Dept., dated 18.4.1981.
4. Hon'ble APAT orders dated 26.7.2010 in O.A.No. 4950/2010.
5. Hon'ble A.P. High Court orders dated 17.8.2010 in W.P.No.18735/2010 filed by Sri P.Punnaiah.
5. From the C.E.O., Zilla Praja Parishad, Krishna Dist. Rc.No.1629/2009/C2, dated 31.10.2011.& Rc. No. 5023/2005/C1, dt. 10.3.2010.
6. From the CPR&RE No.12049/CPR&RE/I-2/2011, dt. 20.12.2011.

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**ORDER:**

Smt.Shaik Rahimuneesa, was appointed on 17.09.1975 as Conductress in Mandal Parishad Upper Primary School in Krishna District and retired from service on 30.09.2005. After her retirement, the pension proposals were rejected by the Chief Executive Officer, Krishna Dist., on the plea that her appointed after cut off date i.e., 18.1.1974 and her regularization of service is irregular as per the instructions issued vide ref.2<sup>nd</sup> read above.

2) Aggrieved by the orders of the Chief Executive Officer, Krishna Dist. and also instructions issued in Govt Memo No.43154/Estt.VA/A2/2002-4, dated 26.6.2004, Smt. Shaik Rahimuneesa filed O.A.No. 4950/2010 in Hon'ble APAT. The Hon'ble APAT in its judgement dated 26.07.2010 directed to process the pension papers and to pay pensionary benefits to the applicant as per rules within a period of four weeks by keeping in view the directions granted in O.A. No. 5523/2008, dated 18.8.2009 filed by Sri P.Punnaiah. The Hon'ble APAT in its orders dated 18.8.2009 in O.A. No. 5523/2009 directed the respondents are as follows:

"Thus it is clear that the service of the applicant is governed by the A.P.Last Grade Service Rules and as such, A.P.Revised Pension Rules, 1980 are applicable, and as per Rule 13 of A.P.Revised Pension Rules, 1980, he is entitled for pension. Now the respondents are rejecting the claim of the applicant quoting G.O.Ms.No.708 Education Dept., dated 23.5.1983, wherein it is stated that the Government direct that the School Conductors/Conductresses under Panchayat Raj bodies who were appointed prior to 18.1.1974 and are continued on full time basis for a period of 5 years as on 1.4.1981 shall be allowed the concession extended to contingent employees in G.O.Ms.No.239, PR (Estt.IV) Dept., dated 18.4.1981, subject to the conditions that (i) there shall be no recruitment to their posts when they retire and (ii) their posts are purely personal to

them and the holder dies in harness, her/his post shall not be filled in by her/his son, daughter, spouse. These orders are executive instructions and they cannot override the statutory provisions in the Pension Rules. The Applicant rendered 34 years of service, having been appointed in 1974, and now, at this stage, he cannot be denied the pensionary benefits by quoting a GO which was subsequently issued.

Accordingly, the O.A. is allowed and the 4<sup>th</sup> respondent is directed to process the pension papers of the applicant whereupon the 1<sup>st</sup> respondent is directed to pay pension and pensionary benefits as per rules within eight weeks from the date of receipt of a copy of this order”.

3) Further in the present case also in O.A. No. 4950/2010 filed by Smt. Shaik Rahimuneesa, the Hon’ble APAT in its orders dated 26.07.2010 have directed to process the pension papers and to pay pensionary benefits to the applicant on par with the judgment dated 18.8.2009 in O.A.No.5523/2009 in respect of Sri P.Punnaiah.

4) In the ref. 5<sup>th</sup> read above, the Hon’ble A.P.High Court in its orders dated 17.8.2010 have dismissed the W.P. No.18735/2010 filed by the C.E.O., Z.P., Krishna Dist., duly confirming the view taken by the APAT in its orders dated 18.8.2009 in O.A.No.5523/2009.

5) Government after careful examination of the entire matter hereby accord sanction the pension and pensionary benefits to Smt. Shaik Rahimuneesa, W/o Late Sri Shaik Adam Saheb, retired conductress in Krishna District as per the orders of Hon’ble APAT dated 26.07.2010 in O.A.No. 4950/2010 which were confirmed by the Hon’ble High Court dated 17.8.2010 in W.P.No.18735/2010 duly relaxing the instructions issued in Govt. Memo 43154/Estt.VA/A2/2002-4, dt.26.6.2004 since the individual has completed 5 years of service on or before 1.4.1981 and eligible as per G.O.Ms.No.239 PR&RD (Estt.IV) Dept., dated 18.4.1981.

6) The Commissioner of Panchayat Raj & Rural Employment, A.P., Hyderabad and the Chief Executive Officer, Zilla Praja Parishad, Krishna Dist., shall take further necessary action accordingly.

7) This order issues with the concurrence of Finance Department, vide their U.O.No. 27646/347/A1/PC.III/2012, dated 08.10.2012..  
(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R. BISWAL,  
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Commissioner, Panchayat Raj & Rural Employment , A.P.,  
Hyderabad

Copy to

The Chief Executive Officer, Zilla Parishad, Krishna District.

The Smt. Shaik Rahimuneesa, W/o Late Sri Shaik Adam Saheb,  
Conductress (Retd.) through the C.E.O., Z.P.P., Krishna District.

The District Treasury Officer, Krishna District

The A.G.,A.P., Hyderabad.

The P.S. to Principal Secretary to Govt., (PR) Dept.

The P.S. to Hon’ble M(PR),

Stock File/Spare Copy.

//FORWARDED BY ORDER//

SECTION OFFICER.